

## **REMARKS**

This Supplemental Amendment adds new claims 25 through 29.

Applicants submit that these new claims are not anticipated under 35 USC §102(e) based on US Patent Application Publication No. 2003/0147346 to Kanakubo (“Kanakubo”) or US Patent No. 7,167,443 to Dantu et al. (“Dantu”) for at least the following reasons.

### **I. The Kanakubo Reference**

Each of claims 25 and 28 recites (using different language) the feature of detecting a failure along an “*ingress region*” of a primary path. More particularly, claim 25 states that the ingress region comprises a link associated with a source network device while claim 28 states that the ingress region comprises a link associated with the source network device, where the link comprises either an outgoing link or a link between the source network device and a neighboring network device.

In comparison, Kanakubo does not disclose detecting a failure along an ingress region. As shown in Fig. 1 of Kanakubo, the “fault occurrence a1” occurs **between** the intermediate router LSR-F 3 and the destination router LSR 6. Thus, Kanakubo’s disclosed fault occurs **outside** of the ingress region between the source router LSR-P 1 and the neighboring router LSR 2 and does **not** involve the neighboring router LSR 2.

Yet further, in a past Office Action the Examiner has interpreted the term “ingress region” as meaning the region of a path between an intermediate router and a destination router. The Applicants continue to believe that such an interpretation is inconsistent with the meaning of the phrase “ingress region” set forth in the specification. That said, given the description of ingress region now present in claims 25-29 even if the Examiner’s interpretation is acceptable Kanakubo does not anticipate the subject matter of claims 25-29 because the path between an intermediate router and a destination router is different than: (a) a link associated with a source network device, (b) an outgoing link (from the source network device) or (c) a link between the source network device and a neighboring network device.

The Dantu Reference

Each of claims 25 and 28 recite the feature of allowing traffic to travel along a primary path when a failure is no longer detected. Dantu is simply not pertinent to this feature, as recognized by the Examiner.

Conclusion

As demonstrated above, each of claims 25-29 are patentable over Kanakubo and Dantu. Accordingly, Applicants respectfully request allowance of claims 25-29.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 CFR § 1.16 or under 37 CFR § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

By: /John E. Curtin/  
John E. Curtin, Reg. No. 37,602  
P.O. Box 1995  
Vienna, Virginia 22183  
(703) 266-3330